

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

TONY FLATT, #14430-078 §  
VS. § CIVIL ACTION NO. 4:12cv22  
UNITED STATES OF AMERICA § CRIM NO. 4:07cr76(7)

ORDER OF DISMISSAL

The above-entitled and numbered civil action was referred to United States Magistrate Judge Don D. Bush. The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts the same as the findings and conclusions of the Court. It is therefore

**ORDERED** that the motion to vacate, set aside or correct sentence is **DENIED** and the case is **DISMISSED** with prejudice. A certificate of appealability is **DENIED**. It is further **ORDERED** that all motions by either party not previously ruled on are hereby **DENIED**.

SIGNED this the 27th day of September, 2012.

  
RICHARD A. SCELL  
UNITED STATES DISTRICT JUDGE